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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,573	01/07/2002	James Brown	2001JB01	1769

7590

05/07/2003

Dean T. Woodward
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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,573

Applicant(s)

BROWN, JAMES

Examiner

Naschica S Morrison

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/10/03 & 2/6/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,8,9 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,8,9 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the second Office Action for serial number 10/039,573, Tool Hanger, filed on January 7, 2002. Claims 1-3, 8, 9, and 14 are pending.

Response to Amendment

The amendment filed January 10, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the paragraph entered on page 4, prior to line 1; the paragraph entered on page 7, following line 11; Figure 7 and the paragraph on page 10 that begins "As illustrated in FIG. 7..." . Applicant is required to cancel the new matter in the reply to this Office Action.

Specification

The disclosure is objected to because of the following informalities: on page 3, line 23 (begins with "use") of the amendment filed 1/10/03, "noncircular spacer 64" should be --spacer 64-- since the actual shape of the spacer as shown in Figure 9 is circular although the aperture therein is not. Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" and "20" have both been used to designate the

Art Unit: 3632

shaped portion (see figures 1-4). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the second end" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 8, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,447,030 to Nattel. Regarding claims 1, 2, 8, 9 and 14, Nattel discloses a hanger (see attached marked copy of Fig. 3) comprising: a horizontally oriented portion (18); a vertically oriented portion (12) joined to the horizontally oriented portion (18) at first ends thereof at a bend (at 20); and two or more non-axially aligned apertures (1a, 1b, 2a, 2b, 2c) located at a second end of the horizontally oriented portion (18), wherein two apertures are non-circular (1a, 1b) and wherein one aperture (2b) is located in the center of the second end, and wherein the apertures are dimensioned and spaced to permit secure connection to an object in two or more locations.

Claims 1, 2, 8, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,733,879 to Arenhold. Regarding claims 1, 2, 8, 9 and 14, Arenhold discloses a hanger (according to Fig. 6 when rotated 90° clockwise) comprising: a horizontally oriented portion (211); a vertically oriented portion (213) joined to the horizontally oriented portion (211) at first ends thereof at a bend; and two or more non-axially aligned apertures (215, at 212 generally, 215') located at a second end of the horizontally oriented portion (211), wherein two apertures are non-circular (215, 215') and wherein one aperture (at 212 generally) is located in the center of the second end, and wherein the apertures are dimensioned and spaced to permit secure connection to an object in two or more locations.

Claims 1, 2, 8, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent D223,082 to Fromm. Regarding claims 1, 2, 8, 9 and 14, Fromm

Art Unit: 3632

discloses a hanger (see attached marked copy of Fig. 1) comprising: a horizontally oriented portion (1); a vertically oriented portion (2) joined to the horizontally oriented portion (1) at first ends thereof at a bend (3); and two or more non-axially aligned apertures (4-6) located at a second end of the horizontally oriented portion (1), wherein two apertures are non-circular (4, 6) and wherein one aperture (5) is located in the center of the second end, and wherein the apertures are dimensioned and spaced to permit secure connection to an object in two or more locations.

Claims 1, 2, 8, 9 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,513,776 to Bissett. Regarding claims 1, 2, 8, 9 and 14, Bissett discloses a hanger (Fig. 1) comprising: a horizontally oriented portion (12); a vertically oriented portion (14) joined to the horizontally oriented portion (12) at first ends thereof at a bend; and two or more non-circular, non-axially aligned apertures (18a, 18b) located at a second end of the horizontally oriented portion (12), and wherein one aperture (at 212 generally) is located in the center (widthwise) of the second end, and wherein the apertures are dimensioned and spaced to permit secure connection to an object in two or more locations.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nattel. With regards to claim 3, Nattel discloses the hanger as applied above, but does not

Art Unit: 3632

disclose any of the apertures (2a-c) being threaded. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apertures to be threaded because one would have been motivated to provide a means for securing alternative fasteners, such as screws or bolts, to the bracket since nails, screws, and bolts are well known for their use in the fastening art and the selection of any of these known equivalents and their complementary aperture to attach the bracket to an object would be within the level of ordinary skill in the art.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fromm. With regards to claim 3, Fromm discloses the hanger as applied above, but does not disclose any of the apertures (4-6) being threaded. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the aperture (5) to be threaded because one would have been motivated to provide a means for securing alternative fasteners, such as screws or bolts, to the bracket since nails, screws, and bolts are well known for their use in the fastening art and the selection of any of these known equivalents and their complementary aperture to attach the bracket to an object would be within the level of ordinary skill in the art.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 8, 9, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 2676778 to Pace et al; 4638530 to Perry; 5746780 to Resh; 4467486 to Schatz; 5195710 to Remblie; 5810232 to Meurer et al; 5810303 to Bourassa et al; 5897086 to Condon; 6508447 to Catani et al; 2002/0145095 to Winkler

The above references disclose holders relevant to Applicant's invention.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

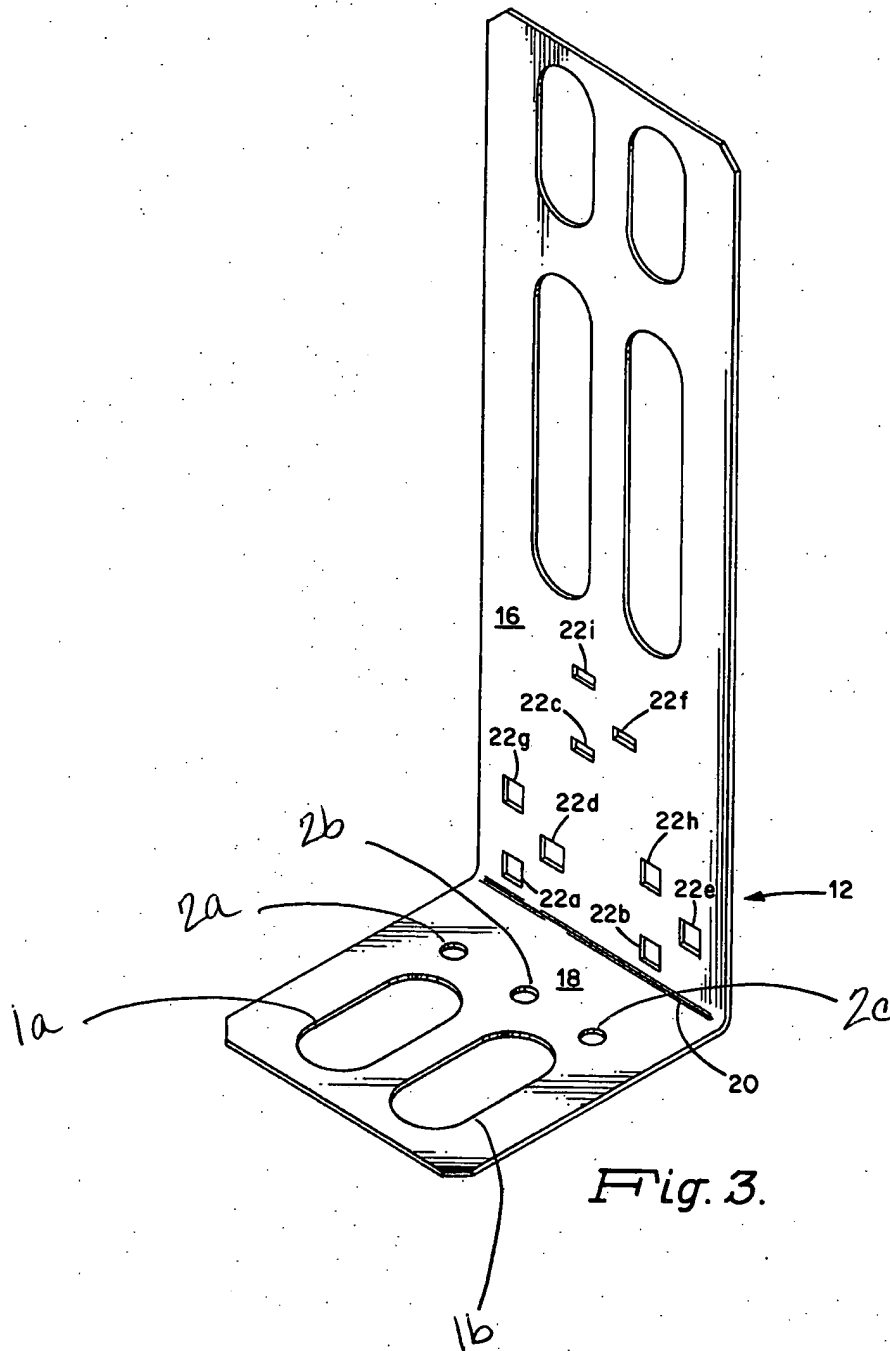
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.


Naschica S. Morrison
Patent Examiner- Art Unit 3632
4/29/03


KIMBERLY WOOD
PRIMARY EXAMINER



223,082

BRACKET FOR AUTOMOTIVE CONDENSERS

Jacob F. Fromm, Upper Montclair, N.J., assignor to
Springfield Electrical Specialties, Inc., New York, N.Y.

Filed Oct. 16, 1970, Ser. No. 25,526

Term of patent 14 years

Int. Cl. D8—08

U.S. Cl. D8—233

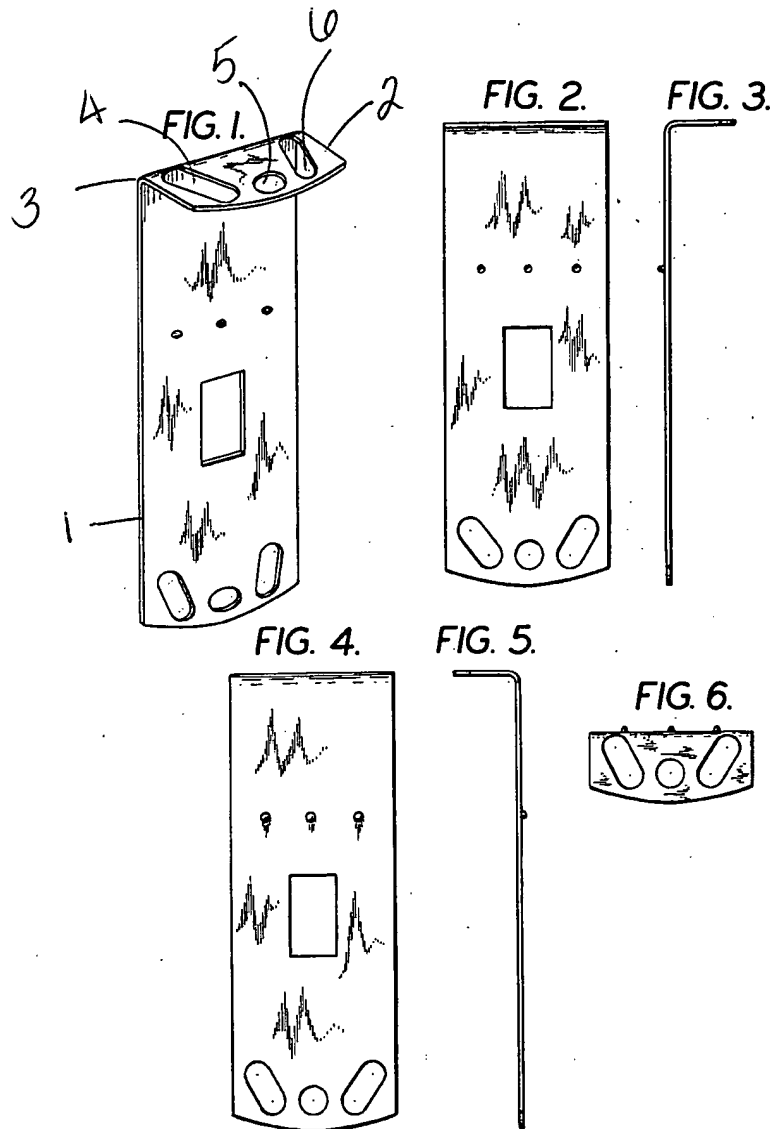


FIG. 1 is a front perspective view of a bracket for automotive condensers showing my new design;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a left side view thereof;

FIG. 4 is a rear elevational view thereof;

FIG. 5 is a right side view thereof; and

FIG. 6 is a top plan view thereof.

I claim:

The ornamental design for a bracket for automotive condensers, substantially as shown.

References Cited

UNITED STATES PATENTS

2,681,164	6/1954	Kalfen.
2,717,755	9/1955	Rosenbaum.
2,761,640	9/1956	Frater.
3,060,541	10/1962	Hillberg.

J. PAUL GUERTIN, Primary Examiner

W. N. WERTMAN, Assistant Examiner